



PATENT
ATTORNEY DOCKET NO. 50013/011002

Certificate of Mailing: Date of Deposit: January 30, 2004

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Alma Woodberry

Printed name of person mailing correspondence

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gordon C. Shore et al. Art Unit: 1642
Serial No.: 09/876,204 Examiner: Christopher H. Yaen
Filed: June 6, 2001 Customer No.: 21559
Title: BAX-MEDIATED APOPTOSIS MODULATING REAGENTS
AND METHODS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND
INTERFERENCES UNDER 37 C.F.R. § 1.191

Applicants respectfully appeal to the Board of Patent Appeals and Interferences from the decision dated July 30, 2003, in which the Office finally rejected claims 1, 2, 6, 10, 14, 15, 30-32, 35-39, and 42 of the above-captioned patent application.

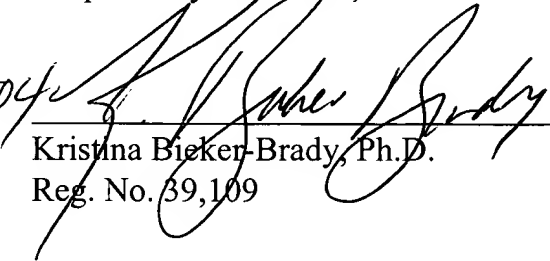
Enclosed pursuant to 37 C.F.R. § 1.136 is a Petition to extend the period for replying to the final rejection for three months, to and including January 30, 2004 and a check in payment of the required extension fee.

Also enclosed is a check in the amount of \$165.00 for the fee required by 37 C.F.R. § 1.17(b) for this Notice of Appeal. If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

January 30, 2004



Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045